

FILED

BEFORE THE REAL ESTATE COMMISSION

NOV 12 2015

STATE OF NEVADA

REAL ESTATE COMMISSION  
BY *Kelra Anden*

JOSEPH R. DECKER, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. 2014-3290

Petitioner,

vs.

DALE BRENT ZAVISLAK,

COMPLAINT AND NOTICE OF HEARING

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT DALE BRENT ZAVISLAK ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division as a Salesperson under license number S.0078584 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a Salesperson under license number S.0078584 and is currently inactive and subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

2. At all relevant times RESPONDENT a Salesperson at Re/Max central under Broker Joseph A. Scott.

3. RESPONDENT entered into an agreement with Amado and Lisa Untalan to represent them in the sale of their property located at 26 E. Serene Avenue #417, Las Vegas, Nevada 89123.

4. The Untalans purchased the property in 2006 for \$372,800.

5. The Untalans are in their mid 70's and live in California.

6. RESPONDENT convinced them to sell the condo to his cousin, Darren Pura, for \$137,800 with the agreement that in six months Mr. Pura would sell it back to them for the purchase price plus \$10,000.

7. RESPONDENT convinced the Untalans that he does this type of transaction all the time and that it is preferable to applying for a loan modification.

8. RESPONDENT memorialized this agreement in a Letter of Intent dated August 15, 2013.

9. RESPONDENT received a commission of \$8,628 from representing both the buyer and sellers in the transaction.

10. After the transaction was complete, RESPONDENT had no further contact with the Untalans.

11. In addition to the loss of their condo, they lost all of the appliances, furnishings and contents of the condo.

12. RESPONDENT failed to disclose his relationship with the buyer in writing.

13. RESPONDENT did not provide his broker with the paperwork regarding this transaction.

14. RESPONDENT failed to provide a response or any requested documents to the Division.

### VIOLATIONS

RESPONDENT has committed the following violations of law:

**DISCIPLINE AUTHORIZED**

21. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.

22. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the proceeding upon Respondent, including investigative costs and attorney's fees, if the Commission otherwise imposes discipline on Respondent.

23. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

## NOTICE OF HEARING

**PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

1       **THE HEARING WILL TAKE PLACE** on December 16, 2015 commencing at 9:00  
2 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day  
3 thereafter commencing at 9:00 a.m. through December 17, 2015, or earlier if the  
4 business of the Commission is concluded. The Commission meeting will be held on  
5 December 16, 2015, at the Nevada Department of Employment Training and  
6 Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV  
7 89104. The meeting will continue on December 17, 2015, should business not be  
8 concluded, starting at 9:00 a.m. at the Henderson City Hall, Council Chambers, 240  
9 South Water Street, Henderson, Nevada 89015.

10       **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
11 same time as part of a regular meeting of the Commission that is expected to last from  
12 December 16 through December 17, 2015, or earlier if the business of the Commission  
13 is concluded. Thus, your hearing may be continued until later in the day or from day to  
14 day. It is your responsibility to be present when your case is called. If you are not  
15 present when your hearing is called, a default may be entered against you and the  
16 Commission may decide the case as if all allegations in the complaint were true. If you  
17 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
18 4074.

19       **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an  
20 open meeting under Nevada's open meeting law, and may be attended by the public. After  
21 the evidence and arguments, the commission may conduct a closed meeting to discuss your  
22 alleged misconduct or professional competence. A verbatim record will be made by a certified  
23 court reporter. You are entitled to a copy of the transcript of the open and closed portions of  
24 the meeting, although you must pay for the transcription.

25       As the Respondent, you are specifically informed that you have the right to appear and  
26 be heard in your defense, either personally or through your counsel of choice. At the hearing,  
27 the Division has the burden of proving the allegations in the complaint and will call witnesses  
28 and present evidence against you. You have the right to respond and to present relevant


1 evidence and argument on all issues involved. You have the right to call and examine  
2 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant  
3 to the issues involved.

4 You have the right to request that the Commission issue subpoenas to compel  
5 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
6 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
7 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter  
8 233B, and NAC 645.810 through 645.875.

9 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
10 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
11 evidence presented and to further determine what administrative penalty is to be assessed  
12 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

13 DATED this 12<sup>th</sup> day of November, 2015.

14 State of Nevada  
15 Department of Business and Industry  
16 Real Estate Division

17 By:   
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